IN THE MAGISTRATE COURT OF CLAY COUNTY, WEST VIRGINIA☐ Out-of-County Warrant: \_\_\_\_\_State of West Virginia  
v.Case No. 19-M08M-00187JOSEPH RAYMOND ZIEGLER  
Defendant (Full Name)XXX-XX-4263 /1964  
Social Security Number Date of Birth

Address

TY844602 - OH  
Driver's License / Identification NumberCHARDON, OH 44024  
City, State, & Zip Code

Phone Number(s)

**INITIAL APPEARANCE: RIGHTS STATEMENT***Mag. Ct. Criminal Procedure Rule 5 (5.1 and 5.2 if applicable)***A. GENERAL: EITHER MISDEMEANOR OR FELONY OR BOTH**


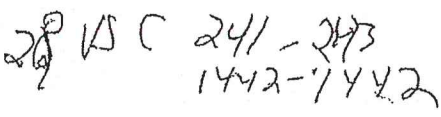
1. The magistrate has informed me that I am not required to make a statement, and that any statement I do make may be used against me.

2. The magistrate has informed me that I am charged with the ☒ Misdemeanor ☐ Felony Offense(s) of  
1) RECKLESS DRIVING 2) NO INS (NON RESIDENT) 3) NO REGISTRATION 4) NO  
OPERATORS 5) DUIand that, if I am later found guilty or plead guilty, the possible penalties are (*mandatory minimum**penalty, if any, and maximum penalty*) 1) JAIL 5-90 DAYS OR FINED \$25-\$500, OR BOTH 2) UP

TO \$500 AND/OR 90 DAYS IN JAIL 3) UP TO \$500 AND/OR UP TO 6 MO IN JAIL 4) FINE UP

TO \$500 5) SHALL BE CONFINED IN JAIL UP TO 6 MO AND SHALL BE FINED \$100-500

3. The magistrate has informed me that I have the right to be represented by an attorney at every stage of the proceeding. If the statutory offense provides for a possible jail sentence, and if I cannot afford to hire an attorney and I meet the financial guidelines, an attorney will be appointed to represent me. I understand this right, and further understand that if I decide to represent myself, I cannot later claim that I was deprived of my right to be represented by an attorney.


**DEFENDANT MUST INITIAL ONE OF THE FOLLOWING:** (a) I give up my right to have an attorney represent me. 

(b) I want to hire an attorney to represent me.

(c) I want an attorney appointed to represent me. I understand that if I am found guilty, I may be required to reimburse the State for attorney fees even if a court-appointed or public defender attorney is approved to represent me.

04/04/2019

Date

  
Defendant's Signature

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4. ~~The magistrate has informed me that I have been charged with an offense for which the penalty is life imprisonment, and bail must be set by the circuit court.~~

5. The magistrate has informed me that I may be released from custody while awaiting further proceedings on the charge(s) stated above if I am able to make bail as follows: \$500.00

☒ Cash ☐ Recognizance: (☐ Personal ☐ 10% Cash Bond and 90%                       
☐ Property (Real Estate) ☐ Surety Company/Bail Bondsperson).

If real property is used as security, a justification of surety ☐ IS or ☐ IS NOT required.

6. The magistrate has informed me that I will be given reasonable time and opportunity to talk with an attorney or some other person for the purpose of obtaining counsel or for arranging bail.

#### B. MISDEMEANOR CHARGE(S) ONLY

1. The magistrate has informed me that I have a right to plead not guilty, a right to a trial by jury or by a magistrate without a jury, and that if I plead guilty or no contest, I give up my right to a trial.

2. The magistrate has informed me that I have the right to demand a jury trial and, if I want a jury trial, I must let the magistrate court know in writing no later than twenty (20) days from the date of this initial appearance, or if I receive court-appointed counsel, twenty (20) days from the date an attorney is appointed. The magistrate has further informed me that if I demand a jury trial, I may not withdraw my demand for a jury trial if the prosecuting attorney objects to the withdrawal. If I do not demand a jury trial within the twenty-day period, I have also been informed that I give up my right to a jury trial. The magistrate will try my case without a jury, and an appeal of a magistrate court conviction will not entitle me to a jury trial in circuit court. I understand if I have a jury, the jury fee will be assessed against me if I am convicted.

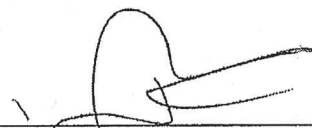
3. *(if applicable)* The magistrate has informed me that if I have been charged with First Offense Driving Under the Influence of Alcohol in violation of *W. Va. Code § 17C-5-2(e)*, I may be eligible for the DUI Deferral Program. I understand that I have thirty (30) days from the date of my arrest to request to participate in the program as set out in *W. Va. Code § 17C-5-2b*.

4. *(if applicable)* The magistrate has informed me that it **SHALL** be unlawful for me to have/possess/own or purchase a firearm, including a handgun or long gun, or ammunition pursuant to federal law under *18 U.S.C. 922(g)(9)* if I am convicted of a domestic violence offense such as assault, battery, domestic assault, domestic battery, malicious wounding/assault, unlawful wounding/assault, or any attempt to commit a domestic violence offense involving the use of physical force or threatened use of a deadly weapon; and I am a current or former spouse, current or former intimate partner, parent or guardian of the victim, or have a child in common with the victim, or I am or was involved in another similar relationship with the victim, or currently or formerly cohabited with the victim.

I understand that if I have any questions regarding whether or not this law makes it illegal for me to ship, transport, purchase, or possess a firearm or ammunition, I may consult an attorney.

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Date

  
 Defendant's Signature



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**C. FELONY CHARGE(S) ONLY**

The magistrate has informed me that

1. if I have been charged with a felony offense for which the penalty is life imprisonment, only the circuit court may set and grant bail;
2. I have the right to a preliminary hearing to determine whether or not any felony charge(s) should be bound over for possible presentation to a grand jury;
3. the preliminary hearing shall be held within ten (10) days of my initial appearance if I am in custody, or within twenty (20) days of my initial appearance if I am not in custody (*W. Va. Code § 62-1-8*).

**DEFENDANT MUST INITIAL ONE OF THE FOLLOWING THREE CHOICES:**

- ☐ (a) I want a preliminary hearing.
- ☐ (b) I give up my right to a preliminary hearing.
- ☐ (c) I, or my attorney, will inform the court whether I want a preliminary hearing.

04/04/2019

Date

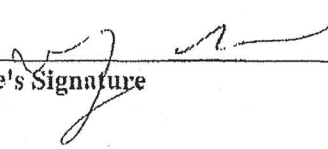
\_\_\_\_\_  
Defendant's Signature

I have informed the defendant of the matters set out above. I find that any waiver of rights herein is made knowingly and voluntarily by the defendant.

           *(initial if applicable)* I certify that the defendant refused to initial and/or sign this document at the appropriate places.

04/04/2019

Date

  
Magistrate's Signature